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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,990	03/23/2004	Deepak P. Ahya	CE11912JSW	2306
24273	7590	03/09/2006	EXAMINER	
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/806,990	Applicant(s) AHYA ET AL.	
	Examiner Melanie Jagannathan	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- Examiner has considered Amendment after Non-Final mailed 1/30/2006.
- Claims 1-20 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 5-6, 10 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Refai et al. US 2003/0016632 A1.

Regarding claims 1 and 5-6, the claimed establishing a voice communications session in a session over a data link between first station and at least one remote station, the session operating in a first mode that is one of simplex mode and duplex mode is disclosed by mobile terminals initiating push to conference service (Figure 2, element 104) to be part of conference-type environment where active members are authorized to both talk and listen during group call, inactive members of group call are members who are authorized to listen to group call but not to talk. Examiner interprets simplex mode as users being inactive members of the group call allocated a public

downlink channel. Duplex mode is interpreted as active members authorized to talk and listen where multiple active members may speak concurrently and are allocated uplink and downlink channels. See page 1, paragraphs 0011-0013, page 2, paragraphs 0014-0015. The claimed sending a control command over data link to change from first to second mode, the second mode being different from first mode is disclosed by inactive members of group are allowed to change to active class members and vice versa by actuating appropriate command at mobile terminals. See page 2, paragraphs 0018-0019.

The claimed changing while maintaining session is disclosed by conference is still maintained with remaining members while changes made to some of the members. See page 2, paragraphs 0018, 0019.

Regarding claims 2 and 5, the claimed accepting a request from a third station for a simplex communications session with first station and responding at first station to request by establishing simplex session while maintaining voice communications session is disclosed by member initiates push to conference service (Figure 2, step 104) and assigning public channels to inactive members (step 112) while maintaining conference occurring between active members.

Regarding claims 10 and 13, the claimed wireless communications controller comprising a call initiation controller that establishes voice communications session in a session over data link between first station and at least one remote station, the session operating in a first mode that is one of simplex mode and duplex mode is disclosed by mobile station controller assigns each active member a uplink and downlink channel

pair and inactive members a public downlink channel. Examiner interprets simplex mode as users being inactive members of the group call allocated a public downlink channel. Duplex mode is interpreted as active members authorized to talk and listen where multiple active members may speak concurrently and are allocated uplink and downlink channels. See page 1, paragraphs 0011-0013, page 2, paragraphs 0014-0015.

The claimed mode change controller that performs one of sending and receiving a control command over data link to change from first to second mode, the second mode being different from first mode, while still maintaining session, is disclosed by active members wishing to change to inactive members and vice versa actuate the appropriate command at their mobile terminals causing system to release private uplink/downlink channels and assign public downlink channel and vice versa. The conference is still maintained with remaining members while changes made to some of the members. See page 2, paragraphs 0018, 0019.

Regarding claims 14-15, the claimed call initiation controller that establishes a duplex communication session over data link between first and second station is disclosed by mobile station controller assigns each active member an uplink and downlink channel pair. The claimed call request receiver that accepts request from a third station for a simplex communication session with first station is disclosed by mobile terminals can be inactive members in conference by actuating appropriate command causing system to assign public downlink channel for listening only.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Refai et al.

Refai et al. discloses all of the limitations except for computer program product comprising computer program instructions for controlling communication among devices with steps disclosed above. At the time the invention was made it would have been obvious to translate steps into code for use by the devices in CDMA network of Refai et al. One of ordinary skill in the art would be motivated to do this for the efficiency due to an automated system.

5. Claims 3-4, 7-9, 11-12, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Refai et al. in view of Moss et al. US 2004/0008680 A1.

Regarding claims 3, 8, 11 and 17, Refai et al. discloses wireless communication system (Figure 1, element 10) comprising a plurality of base stations, MSCs can be connected to PLMN, PSTN or other communication networks. See page 1, paragraph 0011. Refai et al. does not disclose data link comprising a data link based upon Internet Protocol. Moss et al. discloses multiple party communication session using TCP/IP protocol, with telephony users connected to IP server and network including IP gateway. See page 2, paragraphs 0025-0028, page 3, paragraphs 0036-0038. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Refai et al. to include IP protocol of Moss et al. in multiple party communication sessions. One of ordinary skill in the art would be motivated to do so for providing multiple user telephone communication service that is able to operate independently of telecommunications network being used and able host users from different networks and network types. See page 1, paragraph 0010.

Regarding claims 4, 7, 9, 12, 16, 18 and 20, Refai et al. discloses commands to establish and maintain duplex and simplex sessions. Refai et al. does not disclose the claimed control command and messages used for maintaining session comprise at least one message defined by at least one of SIP AND SDP and messages defined under SIP are used for at least one of establishing the simplex session and maintaining duplex session. Moss et al. discloses IP gateway (Figure 2, element 14) sends SIP invite signal to push to talk server (element 10) in response to setup signal sent from device to

set up a group communication session. See page 3, paragraphs 0042. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Refai et al. to include SIP signal of Moss et al. in multiple party communication sessions. One of ordinary skill in the art would be motivated to do so that any kind of communication device can connect to session but internal session management can be carried out using IP type protocols. See page 1, paragraph 0011.

### ***Response to Arguments***

6. Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive. Examiner appreciates detailed description of the prior art.

Applicant argues reference Refai et al. does not disclose claimed duplex mode. Applicant notes Examiner interpreted duplex mode to refer to the active members of the conference call who are allocated their own uplink and downlink channel pair and simplex mode to refer to the inactive members who are allocated only public downlink channel to just listen in. However, Applicant contends, in Refai et al., all members of the conference call are using the simplex communication mode because active members talk by pushing a button or other actuating mechanism on their mobile terminals and speaking.

Examiner respectfully disagrees. Examiner agrees Refai et al. discloses active members push a button on their mobile terminals to speak in conference call. Examiner interprets duplex communication to mean two-way communication channels i.e. users can send and receive signals at the same time. Simplex communication means that



communication can only flow in one direction and never flow back the other way. Refai et al. disclose active members are assigned both an uplink and a corresponding downlink channel so that these members may both talk and listen. See page 2, paragraph 0014, lines 4-13. Additionally, on page 2, paragraph 0015, lines 4-14, Refai et al. discloses multiple active members can speak concurrently creating a cacophonous environment as in they can speak and listen at the same time and Refai et al. suggests artificial controls may be used to restrict such concurrent usage such that active class members may only talk or listen but not both at the same time. Examiner interprets this as Refai et al. disclosing duplex communication in first example of cacophonous environment and disclosing a possible simplex embodiment of the conference call. Thus, in light of claim language, which recites "...first mode that is one of a simplex mode and a duplex mode", Refai et al's disclosure of active members being allowed to speak and listen at same time using assigned downlink/uplink channel pair teaches the claimed duplex mode.

Applicant argues claimed limitations of independent claims include that the communication session is established over a data link and Refai et al. does not teach establishing communications over a data network.

Examiner respectfully disagrees. Examiner interprets a wireless CDMA communication system as a voice and data network. The uplink and downlink channels in the system teach the claimed data link used to establish the conference call between the users.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

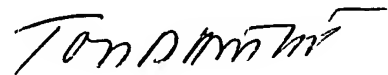
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ   
3/6/06



DANG TON  
PRIMARY EXAMINER